

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADRIAN MENDEZ,

Defendant.

**8:12CR232**

**ORDER**

This matter is before the court after a hearing on April 9, 2018. On September 19, 2017, after a hearing on the defendant's mental condition, this court found the defendant had shown that he was suffering from a mental disease or defect and that inpatient evaluation was necessary. He was given a provisional sentence of three years on a supervised release violation and was hospitalized for care and treatment under [18 U.S.C. § 4244\(d\)](#), with the provisional sentence to be lifted and a final sentence imposed once the director of the facility certifies the defendant has sufficiently recovered in accordance with [18 U.S.C. § 4247\(c\)](#) and 4244(b). The BOP reports that the defendant remains grossly psychotic at this time and needs more time on his medications.

Under [18 U.S.C. § 4244\(b\)](#), if a report "includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need." [18 U.S.C. § 4244\(b\)](#). In addition to that information, the court finds the report should also contain an opinion concerning whether the defendant is progressing on medication, a treatment plan, a diagnosis and a prognosis.

Accordingly,

IT IS ORDERED:

1. The BOP shall submit a report to the court on or before June 6, 2018.
2. A status hearing is set for June 13, 2018 at 9:00 a.m. in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

Dated this 1st day of May, 2018.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge